

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DANIEL C. STOESSER,

Plaintiff,

-v.-

Civil Action No.
3:08-cv-643 (GLS/VEB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Law Office of Harry J. Binder &
Charles E. Binder, P.C.
60 East 42nd Street
Suite 520
New York, New York 10165

CHARLES E. BINDER, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

ANDREA L. LECHLEITNER, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed January 19, 2011. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed January 19, 2011 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Plaintiff's Motion for Judgment on the Pleadings is GRANTED, that the Commissioner's Motion for Judgment on the Pleadings is DENIED, that the decision of the Commissioner is reversed and the case is remanded to the Commissioner for calculation of benefits, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: February 3, 2011
Albany, New York

Gary L. Sharpe
Gary L. Sharpe
U.S. District Judge